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5 **NOT FOR PUBLICATION**

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 American Honda Motor Co., Inc.,)

No. CV-08-0656-PHX-FJM

10 Plaintiff,)

ORDER

11 vs.)

12)
13 AZ Grafix; AZ Online Auction Pros;
Susan Alvarez; Eric J. Schad; Ted Smith,)

14 Defendants.)
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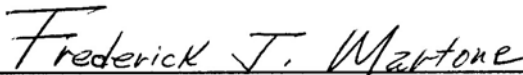
18 This matter having come before the Court upon the motion of Plaintiff American
19 Honda Motor Co., Inc. ("Honda") for judgment by default against Defendants AZ Grafix,
20 AZ Online Auction Pros, Susana Alvarez, and Eric J. Schad ("Defendants") on all claims of
21 the Amended Complaint, and upon this Court's finding that: (1) Defendants were properly
22 served with the Summons and Amended Complaint in this matter and have failed to defend
23 in this action; (2) this Court has subject matter jurisdiction over this dispute and personal
24 jurisdiction over the parties; (3) Defendants are in default; (4) Defendants willfully and
25 intentionally infringed Honda's famous HONDA® (Reg. Nos. 0,826,779 and 1,673,535), H
26 EMBLEM® (Reg. No. 2,272,458), ACURA STYLIZED & EMBLEM® (Reg. Nos.
27 2,514,550; 2,646,476; 2,675,400), CIVIC® (Reg. No. 1,045,160), VTEC® (Reg. No.
28 2,492,897), INTEGRA TYPE R® (Reg. Nos. 2,554,443 and 2,595,301), ACCORD® (Reg.

1 No. 1,053,254), and SI® (Reg. No. 3,426,868) trademarks; (5) Honda has established that
2 it is entitled to a permanent injunction against Defendants' infringing conduct to avoid the
3 irreparable harm caused to its marks; and (6) in accordance with Rules 55(b)(2) and 54(c)
4 of the *Federal Rules of Civil Procedure*, judgment should now be entered in favor of Honda.

5 Based on the circumstances of this case and the nature of the infringement, we
6 conclude that statutory damages under 15 U.S.C. § 1117(c) in the amount of \$50,000 per
7 counterfeit mark, or a total of \$400,000, are appropriate. In addition, we grant Defendants'
8 request for attorney's fees, in the reduced amount of \$45,400, based on our conclusion that
9 certain charges are excessive (e.g., hours spent preparing declarations and drafting motion
10 for alternative service).

11 **IT IS ORDERED GRANTING** Defendants' motion for default judgment, as
12 amended by this order (doc. 42).

13 DATED this 7th day of October, 2009.

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17 Frederick J. Martone
18 United States District Judge
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